REMARKS

This is in response to the official action dated April 30, 2003. Reconsideration in view of the following is respectfully requested.

The undersigned has been appointed new attorney. Please send all further communications to the address listed on the enclosed power of attorney.

All previous claims have been canceled. A new claim set consisting of claims 28-47 is enclosed.

New claims 28-38 relate to an article comprising a contact surface having a film thereon. In view of the examiner's prior comments, the new claims have been constructed based only on structural limitations. Therefore, all of the previous objections based on product-by-process limitations as not having patentable weight, are now moot.

Claim 28 relates to a contact surface having thin viscous film. The film has a thickness of 10 microns or less. The examiner previously noted that Craven, though not teaching this precise upper limit, does teach a thickness which approaches this level. Further, the examiner reasons that as the skilled person would apply a thicker film to increase life of the film, it is outcome determinative. Applicant submits that this reasoning actually supports patentability of applicant's thin layer. As the skilled person would seek a thicker layer in order to increase life, the level taught by Craven would be taken as the lower limit of acceptability. However, applicant has surprisingly observed that a thinner layer provides advantages by actually resulting in increased adhesive force, due to the lower hysteresis loss and stress concentration. Even as the examiner observes that applicant's upper limit of 10 μm approaches the lower limit of Craven, applicant's preferred thickness (set out in claims 34 and 35) is orders of magnitude

removed from Craven. There is simply no suggestion by Craven that the minutely thin layer of applicant's invention can provide increased adhesive force, while also allowing for economic application by using less material.

Further claim 28 requires an antislipping agent "consisting of" fine particles of an average particle diameter of 10μm or less. The examiner's previous position was that Craven, though not teaching strictly particles limited to the claimed range, nevertheless met the limitations of the open 'comprising' claim language. In the new claim 28, the antislipping agent consists of particles limited to the particular range. As Craven does not teach nor recognize the advantages of such a limited range of particle size, the claim is not obvious. Claim 29 relates to an embodiment in which some of the particles are exposed throughout the film. This can only be achieved by controlling and correlating the size of the particles and the thickness of the film. Nowhere does Craven suggest the advantages to be gained by the exposed particles (e.g. increased grip on the support surface), nor does Craven provide the necessary basis for such (thin layer, controlled range of small particles).

Method claims 39-47 are set out relating to a method for preparing the article by mixing an agent and applying it to a contact surface. In the prior action, the examiner declined to consider the effect of the steps of applicant's method. In the present format, the steps must be lent weight in comparison to the cited art. The method set out in the new claim set, including selecting components of specific viscosities which will leave a film of a desired thickness upon evaporation; providing for a polymer base which forms upon condensation reaction with an external material such as water after application to the contact surface; and the providing of a controlled range of small particles as antislipping agent, partially exposed through the film surface; is not taught by Craven.

Wherefore, allowance of the claims 28-47 is earnestly solicited.

Respectfully submitted,
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CERTIFICATE OF MAILING

I hereby certify that the foregoing Preliminary Amendment is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on the date indicated below:

Date: July 30, 2003

By _____
Deanna Lee Noe